

**70-3a-307 Cancellation.**

- (1) The division shall cancel, in whole or in part:
  - (a) a registration of mark for which the division receives a voluntary request for the registration's cancellation from:
    - (i) the registrant; or
    - (ii) the assignee of record;
  - (b) a registration of a mark:
    - (i) granted under this chapter; and
    - (ii) not renewed in accordance with the chapter;
  - (c) a registration of a mark for which a court of competent jurisdiction finds that:
    - (i) the registered mark has been abandoned;
    - (ii) the registrant is not the owner of the mark;
    - (iii) the registration was granted improperly;
    - (iv) the registration was obtained fraudulently;
    - (v) the mark is or has become the generic name for the goods or services, or a portion of the goods or services, for which the mark has been registered; or
    - (vi) subject to Subsection (2), the mark is so similar, as to be likely to cause confusion, mistake, or to deceive, to a mark:
      - (A) registered by another person in the United States Patent and Trademark Office prior to the date of the filing of the application for registration by the registrant; and
      - (B) not abandoned; or
  - (d) when a court of competent jurisdiction orders cancellation of a registration on any ground.
- (2) Notwithstanding Subsection (1)(c)(vi), if the registrant proves the registrant is the owner of a concurrent registration of a mark in the United States Patent and Trademark Office covering an area including this state, the registration under this chapter may not be cancelled for that particular area of the state.

Enacted by Chapter 318, 2002 General Session